

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS 2011 MAY 11 PM 4:24
SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

YADIRA MAURICIO YBARRA, (1),

AND,

WILLY MENDOZA, (2),

Defendants.

§ CRIMINAL NO.

§ **S A 11 C R 0 3 6 8**
§ INDICTMENT
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BY DEPUTY CLERK **OG**

§ [Violations: Count 1 - 18 U.S.C. §§ 371 &
§ 922(o), Conspiracy to Possess Machineguns;
§ Count 2 - 18 U.S.C. §§ 922(o) & 2,
§ Possession of Machineguns; and
§ Count 3 - 18 U.S.C. §§ 554 & 2, Smuggling
§ Goods from the United States.]
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THE GRAND JURY CHARGES:

COUNT ONE

[18 U.S.C. §§ 371 and 922(o)]

That beginning on or about March 29, 2011, and continuing through and including
April 19, 2011, within the Western District of Texas and elsewhere, the Defendants,

YADIRA MAURICIO YBARRA,
and,
WILLY MENDOZA,

did knowingly and willfully combine, conspire, confederate and agree with others known and
unknown to the Grand Jury, to commit an offense against the United States, namely: they
conspired to unlawfully possess machineguns, contrary to Title 18, United States Code, Section
922(o), and in violation of Title 18, United States Code, Section 371.

THE MANNER AND MEANS OF THE CONSPIRACY

It was a part of the conspiracy that **Defendants YADIRA MAURICIO YBARRA, and WILLY MENDOZA** knowingly attempted to purchase, purchased, and possessed four machineguns and six semi-automatic assault rifles in order to smuggle them to individuals in Mexico.

OVERT ACTS

1. On or about April 19, 2011, Defendant **YADIRA MAURICIO YBARRA** arranged to pick up four machineguns and six semi-automatic assault rifles in order to ship them to Mexico.
2. On or about April 19, 2011, Defendant **YADIRA MAURICIO YBARRA** negotiated the purchase of the four machineguns and six semi-automatic assault rifles that were to be shipped to Mexico.
3. On or about April 19, 2011, Defendants **YADIRA MAURICIO YBARRA and WILLY MENDOZA** took possession of the following four machineguns: Bushmaster, Model XM15-E2S, 5.56 caliber machinegun bearing serial number BFI424751; Bushmaster, Model XM15-E2S, 5.56 caliber machinegun bearing serial number BFI424708; Zastava, Model M70AB2, 7.62 caliber machinegun bearing serial number 800313, and UNKNOWN make/model, 7.62 caliber machinegun (with bayonet), bearing serial number 800303.
4. On or about April 19, 2011, Defendants **YADIRA MAURICIO YBARRA and WILLY MENDOZA** took possession of the following six semi-automatic assault rifles: Colt, Model AR-15 A2, 223 caliber semi-automatic rifle, bearing serial number SP354349; Colt, Model AR-15 A2, 223 caliber semi-automatic rifle, bearing serial number 354152; Colt, Model

AR-15 A2, 223 caliber semi-automatic rifle, bearing serial number GS005023; Colt, Model AR-15 A2, 223 caliber semi-automatic rifle, bearing serial number 215294; Zastava, Model M70AB2, 7.62 caliber semi-automatic rifle, bearing serial number 00769M90; UNKNOWN make/model, 7.62 caliber semi-automatic rifle (with bayonet), serial number CGA2239.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO
[18 U.S.C. §§ 922(o) and 2]

The Manner and Means and Overt Acts to Count One are hereby incorporated by reference as if fully set forth.

On or about April 19, 2011, in the Western District of Texas, Defendants,

YADIRA MAURICIO YBARRA,
and,
WILLY MENDOZA,

aided and abetted by each other, knowingly attempted to possess and possessed a machinegun, to wit: a Bushmaster, Model XM15-E2S, 5.56 caliber machinegun bearing serial number BFI424708.

In violation of Title 18, United States Code, Section 922(o) and 2.

COUNT THREE
[18 U.S.C. §§ 554 and 2]

The Manner and Means and Overt Acts to Count One are hereby incorporated by reference as if fully set forth.

On or about April 19, 2011, in the Western District of Texas, Defendants,

YADIRA MAURICIO YBARRA,
and,
WILLY MENDOZA,

aided and abetted by each other, knowingly, intentionally, and unlawfully attempted to commit offenses against the United States, that is to say they knowingly attempted to export and send from the United States, any merchandise, an article, and object contrary to any law or regulation of the United States, to-wit: four machineguns and six semi-automatic assault rifles.

All in violation of Title 18, United States Code, Sections 554 and 2.

A TRUE BILL.



FOREPERSON OF THE GRAND JURY

JOHN E. MURPHY
UNITED STATES ATTORNEY

BY: 

MARK T. ROOMBERG
Assistant U.S. Attorney